

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JOSEPH E. MOTES,**

**Plaintiff,**

**v.**

**Civil Action 2:25-cv-25  
Judge Michael H. Watson  
Magistrate Judge Chelsey M. Vascura**

**CIRCLE K STORES, INC., *et al.*,**

**Defendants.**

**REPORT AND RECOMMENDATION**

Plaintiff's Complaint asserts claims against, among others, defendants identified as "John Doe 1–10 (Names and Addresses Unknown)" (the "Doe Defendants"). (ECF No. 4). When 90 days elapsed after the Complaint was filed, the docket did not reflect that Plaintiff had moved to amend the Complaint to substitute the real name of the Doe Defendants; nor did it reflect that Plaintiff has effected service upon them as required by Federal Rule of Civil Procedure 4(m). Accordingly, on May 5, 2025, this Court issued an order directing Plaintiff to show cause within fourteen days why the Court should not dismiss the Doe Defendants without prejudice and why the Court should allow an extension of time to effect service. (ECF No. 23.)

To date, Plaintiff has not responded to the Show Cause Order, sought leave to amend the Complaint to substitute the real names of the Doe Defendants, or effected service on the Doe Defendants. It is therefore **RECOMMENDED** that Plaintiff's claims against John Doe 1–10 (Names and Addresses Unknown), be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service of process.

### **PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE